



U.S. DEPARTMENT of STATE

Lithuania

Country Reports on Human Rights Practices - [2003](#)

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Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected President; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The civilian authorities maintained effective control of the security forces. The police committed a number of human rights abuses.

The country, with a population of 3.45 million, progressed toward a market economy. The Government continued to privatize the few remaining large-scale enterprises, such as energy, gas, alcohol, and shipping companies; most housing and small businesses have been privatized. The largest number of workers (18.3 percent) worked in the manufacturing sector. Gross domestic product grew by 8.9 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police, at times, beat or otherwise physically mistreated detainees and misused detention laws. The Government made progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Anti-Semitic incidents increased during the year, and the Government took steps to address them. Societal violence against women and child abuse were serious problems. There were some limits on workers' rights. Trafficking in women and girls for the purpose of prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania continued its activities during the year (see Section 4).

From January to September, the Prosecutor General's Office initiated eight investigations of genocide cases, of which two were later terminated. These new cases (which brought the total of such cases initiated since 1990 to approximately 150) included four investigations of killings in 1941, according to the Simon Wiesenthal Center. The Nazis and their local collaborators killed more than 90 percent of the country's 220,000 Jews during World War II. At year's end, more than 30 ongoing cases included: An investigation into the killing of an unknown number of Jews in Seredzius in 1941, the killing of 3,700 Jews in 1941, the 20-30 deaths in the "Lietukis" garage killings in Kaunas in 1941, the killings of 1,350 Jews in Zadeikiai forest in 1941, the killing of 20 Jews in Seirijai in 1942, the killing of thousands of civilians in 1941, and 2 cases of killings of Jews and prisoners of war in Nazi-occupied Belarus during World War II. There were 18 such cases, involving 130 individuals, pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, at times, police beat or otherwise physically mistreated detainees, although there were fewer such incidents during the year.

The Government continued to eliminate the practice of hazing of recruits by noncommissioned officers. From January to August, 5 criminal cases were filed for statutory violations, compared with 16 cases in all of 2002. From January to August, the Seimas Controller investigated three complaints against officials of the Ministry of National Defense, all of them on social issues. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions were poor and life threatening; however, the entry into force of the Criminal, Enforcement of Sentences, and Criminal Procedure Codes in May, combined with increased funding, reduced the number of prisoners subjected to these prison conditions. As of September, 4 of 14 correctional institutions remained overcrowded; the problem was most acute in the two investigation and interrogation facilities. As of July, 1,194 persons, or 12 percent of all prisoners, were registered as drug users, and more than 250 inmates were HIV-infected. The Government took measures to reduce drug trafficking in correctional institutions and offered training for officials and education and harm reduction programs for inmates. In May, a reconstructed building with a capacity for 300 HIV-infected prisoners opened in Alytus. In November, a prevention and rehabilitation center for drug addicts and HIV-infected prisoners opened at the Pravieniskes correction center.

Sanitation in prisons improved after the new codes were introduced and sentences for some of the prisoners were reduced. The Seimas controllers noted a marked decrease in complaints from the Lukiskes investigation ward/prison and the Siauliai interrogation and isolation ward; however, they noted that inadequate control of infectious diseases in prisons and that prolonged transfer of suspects to interrogation facilities continued due to lack of funding. Arrested and detained persons generally suffered worse living conditions than did convicted persons. By January, 8 of 46 police custody facilities met the hygiene standards approved by the Ministry of Health in May 2002. The Seimas's introduction of parole for those convicted for lesser offenses reduced the number of persons in custody.

A significant number of detainees reported mistreatment, abuse, and violence, which public prosecutors and judges acted to address.

In May, the new Code on Enforcement of Sentences separated inmates into three groups depending on their conduct in prison: Regular, minimum security, and disciplinary groups. In August, prison authorities in Alytus used force against inmates in the disciplinary group protesting the new regime; 70 inmates filed complaints on excessive use of force.

In September, there were 8,957 prisoners, including 297 women, and 188 juveniles. The prisoner figure included 1,280 detainees, of whom 49 were women, and 75 juveniles. Women and men were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals. In September, a Seimas controller publicly criticized several instances of police violence against juveniles, which occurred after their arrest but before they reached the police arrest facilities. The controller said that the authorities protected police officers suspected of violence against juveniles.

Convicted prisoners may be involved in unpaid routine up-keep work in the penal institutions and in work connected with improvement of cultural and every-day living conditions of the prisoners. The unpaid work must be performed on a rotation basis outside working hours, up to 2 hours per day. Juvenile offenders in special reform and disciplinary institutions may refuse to do unpaid work.

From January to August, 24 prisoners died (11 of natural causes, 8 by suicide, and 5 killed by other prisoners). A significant increase in the suicide rate was attributed to the growing proportion of prisoners with drug addictions and psychological problems. From January to August, there were 110 injuries inflicted by other inmates and 101 self-inflicted injuries, due to abuse and conflicts among fellow inmates, depression, or to protest sanctions by authorities, a drop of approximately 30 percent from the same period of 2002. The Prisons Department introduced programs to prevent suicides and aggression among prisoners in some of the correctional institutions. From January to August, there were 138 criminal offenses committed in prisons, compared with 22 during the same period of 2002. Authorities attributed the increase to their efforts to prevent the spread of drugs. Prison personnel were charged with committing 12 criminal offenses. From January to August, the Seimas controllers investigated

256 non-criminal complaints mostly related to living conditions (79 of them deemed justified) regarding Prison Department personnel.

From January to August, 2 persons committed suicide, and 72 injured themselves in protest against authorities or were injured by other inmates in violent incidents in police detention facilities.

The Government continued its reform of the prison system. The Prison Department at the Justice Ministry manages the correctional system. Funding of approximately \$0.80 (2.4 litas) per prisoner per day covered only minimal needs for meals; prisoners may use their own or outside funds to improve their diet. During the year, the Seimas controllers called for strengthening oversight of correctional facilities and improving the quality of health services received by prisoners. The year's budget allotment for correctional institutions rose 17.4 percent. The Criminal, Enforcement of Sentences, and Criminal Procedures Codes introduced more lenient sentences and reduced the number of sentences involving incarceration. The Government reconstructed three correctional facilities and was constructing a prison hospital at year's end.

The Government permitted visits to prisons by independent human rights observers, and there were such visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

A unified national police force, under the jurisdiction of the Interior Ministry, is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The Office of Inspector General and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. From January to August, cases for abuse of power and abuse of office were initiated against 4 police officers, compared with 12 cases in 2002. By the end of August, the controllers investigated 112 complaints--more than half deemed justified--about the activities of Interior Ministry personnel and the police. In a number of cases, the controllers proposed that relevant government agencies take remedial actions or that laws be amended.

In November, the European Court of Human Rights (ECHR) ruled that the Government violated the right of Raimundas Meilus to a speedy trial. His trial and appeals proceedings, relating to charges of fraud and embezzlement, lasted more than 8 years between 1994 and 2002. The Court awarded Meilus \$6,250 (5,000 euros) for non-pecuniary damage and \$6,250 (5,000 euros) for costs and expenses.

Under the law, police may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Bail is available and was used widely. The Criminal Code, enacted in May, revised the parole and probation system; however, the Seimas controllers noted that probation was not functioning in practice. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

Pretrial detention applies only in the case of felonies, to prevent flight, to allow unhindered investigation if the suspect might commit new crimes, or when there is an extradition request. A pretrial judge may order a suspect detained for up to 3 months. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which may last up to 6 months and may be extended by a district judge for periods not to exceed 18 months in total (see Section 1.e.). The detainee or his counsel may appeal to a higher court against the imposition or extension of detention. The Civil Code provides for liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. In September, the Prisons Department reported that there were no persons whose pretrial detention exceeded 18 months. However, there were 37 persons whose detention was extended beyond 18 months by the court for the duration of the court case. From January to August, there were six verified complaints over prolonged detention in police custody.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Civil and Criminal Procedure Codes strengthen the judges' role and the courts' independence. The Criminal Procedure Code entitles the suspect to read his case material throughout the investigation rather than after it. The Civil Code complies with the European Convention on Human Rights and takes into account the jurisprudence of the ECHR; however, the Criminal and the Criminal Process Codes, both enacted in May, permit trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions. In October, a study commissioned by the nongovernmental organization (NGO) Open Society Fund Lithuania criticized the court system for lack of transparency and accountability.

The Constitution and the Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court reviews the constitutionality of laws and other legal acts, as well as actions by the President and the Cabinet. The primary function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation.

District courts hear juvenile criminal cases and cases related to children's rights (for example, domestic adoption and paternity matters).

If the ECHR determines that courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court. The right to appeal for a retrial in criminal cases includes the persons whose rights were violated, their representatives, and the Prosecutor General.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides for the right to legal counsel for defendants. In practice, the right to counsel was abridged by the shortage of trained lawyers, who found it difficult to cope with the increasing numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but, in practice, such legal assistance was not always available. By law, defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honored routine, written requests for evidence. By law, a judge may hold a closed trial in a limited number of circumstances. The Criminal Process Code allows appeals of the actions of prosecutors, investigator, and interrogators throughout the preliminary investigation up to the district court level.

In March, the ECHR ruled that the Government violated the right of Stase Jasiuniene to a fair trial; however, the local government failed to act on the court's ruling to compensate her for a plot of land nationalized 50 years ago.

In the early 1990s, the Government rehabilitated over 50,000 persons charged with anti-Soviet crimes in the Stalin era, including those involved with crimes against humanity during the Nazi occupation. Under a special judicial procedure, from 1997 to this September, 147 individuals were "de-rehabilitated," making them ineligible for some social welfare benefits.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, there were reports that the Government did not respect these prohibitions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security, law enforcement, and important economic or financial interests of the state. The new Criminal Process Code requires a judge's authorization for the search of premises of an individual. The seizure, monitoring, and recording of information transmitted through telecommunications networks or surveillance must also be court-ordered.

It was assumed widely that law enforcement agencies had increased the use of a range of surveillance methods to cope with the expansion of organized crime. A court permit is required for search and seizure of correspondence during investigations.

From January to August, the State Data Protection Inspectorate conducted 214 investigations, examined 38 complaints, and provided numerous consultations. Most violations involved unauthorized use of personal data, use of data without person's knowledge, and flaws in data protection. Institutions that committed violations included the State Social Insurance Fund, the Ministry of Interior, the Police Department, the Migration Department, and special agencies. In December, the parliamentary National Security and Defense Committee concluded that the State Security Department did not violate laws by recording telephone conversations with the voice of President Rolandas Paksas. Earlier, the Supreme Court Chairman and Prosecutor General had stated that the law prohibited tapping of the President's telephone conversations. The courts, however, have not officially addressed this issue. Also in December, a parliamentary commission concluded that the Government's anti-corruption service and the Presidency had violated the law by seeking and providing information about persons who were not seeking public office. In March, the media reported that the personnel of the agency responsible for protecting top state officials collected information about authors of a television political show without authorization. The media also reported that doctors occasionally divulged confidential data about patients to employers and others. The new Civil and Criminal Codes enhance protection of the right to privacy. A Personal Data Legal Protection Law revision, effective in July, introduced more safeguards into the data protection system; however, human rights groups were concerned about increasing violations of privacy laws by the media and business and by increased violations on monitoring of the Internet.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent print media continued to flourish and included a wide range of newspapers and magazines. Radio and television included a mix of public and private stations.

A court may order journalists to reveal their sources if a refusal to do so would violate other values protected in the Constitution. The media may publish information about the private life of a public figure without permission if it does not harm the person, or if the information is important to society.

The Constitution prohibits the censorship of either print or broadcast media and restrictions on disclosure, unless the Government determines that national security is involved. Under the media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. The Parliament funded an Ombudsman's Office.

The Government did not generally restrict access to the Internet; however, in September, a court ruled that the State Security Service exceeded its powers in confiscating a server hosting the pro-Chechen independence website Kavkaz-Center. The Security Service acted on the grounds that the website contained information related to terrorist propaganda and incitement of ethnic and religious hatred, was possibly financed by al-Qa'ida, and was co-founded by a person wanted by Interpol. The website, which was closed in June, resumed operations.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime remained banned.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respected this provision in practice. There is no state religion; however, some religious groups enjoyed government benefits not available to others.

The Constitution divides religious communities into state recognized traditional groups and others. In practice, a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The Law on Religious Communities and Associations stipulates that nontraditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both

traditional and state recognized communities may receive state subsidies, although only the traditional ones received the subsidies regularly. Only the clergy and theological students of traditional communities were exempt from military service; only their top leaders were eligible for diplomatic passports. They may also have military chaplains and have the right to establish subsidiary institutions. Only traditional communities have the right to teach religion in state schools and to buy land to build churches, although other communities may rent land. Registered religious communities do not receive regular subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities, but they may act as legal entities and thus rent land for religious buildings. Unregistered communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

Activities of foreign missionary groups within the country were not restricted; however, the Government appeared to continue preferential treatment for nine traditional religions.

The law provides that only religious instruction of traditional and other state-recognized religious communities may be taught in state educational institutions. At the request of parents from these communities, schools may offer classes in religious instruction. In practice, parents could choose classes in religious instruction or classes in ethics for non-religious education.

The law provides funding for the educational institutions of traditional religious organizations and permits the Education Ministry to give vouchers for pupils of private schools established by non-traditional religious communities.

Some religious property, including 28 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. The Government and Vilnius city continued a program using private funds to rebuild parts of the Jewish quarter in Vilnius; the Jewish community was expected to be given parts of the reconstructed buildings. In September, the Government returned 46 Torah scrolls (in addition to 309 such scrolls turned over in January 2002) to an Israeli spiritual and heritage group for distribution among Jewish congregations worldwide.

The country's Jewish communities expressed concern over an increase in anti-Semitic remarks made by extremist and a few mainstream politicians. In April, the Council of Europe (COE) criticized the Government for the recurrence of anti-Semitic statements by individuals seeking political office; the publication of anti-Semitic articles in the media; distribution of anti-Semitic proclamations and other materials; acts of vandalism against Jewish graves and monuments; and anti-Semitic statements during public gatherings. Multiple anonymous anti-Semitic comments appeared on the Internet. In June, media reports prompted the State Security Department to investigate the publication of the "Protocols of the Zion Elders" in a low-circulation periodical *Zemaitijos Parlamentas*, and the publication was discontinued. In December, members of the National Democratic Party, led by a member of the Siauliai city council, attempted to prevent the lighting of a menorah during a Hanukkah celebration and insulted members of the local Jewish community. The Siauliai mayor publicly apologized for the incident. The political leadership of the country and the national press generally criticized anti-Semitic statements when they occurred.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Law on Citizenship allows emigrants to retain citizenship. Jewish and Polish minorities criticized the provisions because they create special conditions enabling "ethnic Lithuanian" emigrants to retain dual citizenship but do not allow this for local minorities when they "repatriate" to their "homeland" (for instance, Jews to Israel or Poles to Poland)

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Vilnius Administrative Court hears asylum appeals. The Court received assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The Law on Asylum Status provides that an asylum seeker coming from a safe country of transit may not enter the country. The right of an asylum seeker to appeal a decision denying entry into the country is limited. From January to June, 88 persons applied for refugee status, and 318 applied for residence permits on humanitarian grounds. The applicants came mostly from Chechnya, Vietnam, and Bangladesh. From 1997 to 2002, more than 1,500 asylum requests were filed; 64 persons received refugee status, and 476 persons received a residence permit on

humanitarian grounds.

Irregular immigration continued to decrease due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin.

In May, the Government signed a re-admission treaty with Russia (which was later ratified) and continued negotiating such an agreement with Belarus. There were a number of conflicts between refugees and asylum seekers and the local population during the year.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

In January, former Prime Minister and Liberal Union Party leader Rolandas Paksas defeated incumbent president Valdas Adamkus in a runoff presidential election. The election was considered free and fair, although campaign financing lacked transparency. Approximately 53 percent of those eligible voted. Paksas took office in February. In 2001, the New Union party formed a coalition with the Social Democratic Party, and chose former President Algirdas Brazauskas as Prime Minister. Presidential elections are held at least every 5 years.

In December, an ad hoc parliamentary commission found that the President's vulnerability to influence constituted a threat to national security. A second ad hoc commission began investigating other accusations against the President, to determine whether there were sufficient grounds for impeachment. The commission's deliberations continued at year's end. There were 14 women in the 141-seat Parliament and 3 women in the 14-member Cabinet.

There were 12 members of Parliament of Russian, Polish, Greek, or Belarusian ethnic origin.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights were the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department also reviews draft legislation.

There are three ombudsman institutions. The Parliament's controllers investigated complaints of the abuse of power by public servants. The controllers have the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman exercised similar functions for complaints of discrimination and sexual harassment (see Section 5). The Office of the Ombudsman for Children's Rights controlled the implementation of relevant laws, oversaw local children's rights protection services, and investigated complaints of abuse of children's rights.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and both Lithuanian and foreign lawyers, produced five new reports during the year. The Commission signed agreements with Yad Vashem (the Holocaust Martyrs' and Heroes' Remembrance Authority) and other organizations to implement a program of Holocaust education, including tolerance development, in the country's schools. The Commission organized conferences and seminars to promote the development of a tolerant civil society.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, social status, or ethnic background; however, discrimination against women in employment and other areas persisted. In November, the Parliament adopted a Law on Equal Opportunities, which forbids any immediate and indirect discrimination based on age, sexual orientation, disability, race, religion, and beliefs. The Equal Opportunities Ombudsman was expected to oversee the implementation of the law.

Women

Societal violence, particularly alcohol-related domestic violence, against women reportedly was common; however, official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem developed slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints were filed because women preferred to avoid publicity and were not confident that the courts would punish their assailants. Thirteen women's shelters provided assistance to victims of violence. A 2002 study by the Women's Information Center indicated that 80 percent of women experienced psychological abuse in the workplace or at home, 35 percent experienced physical violence, and 17 percent were sexually abused. The law specifically criminalizes rape. From January to August, 211 rapes were reported. Persons convicted of rape generally received sentences of from 3 to 5 years in prison.

Prostitution is illegal under the Criminal Code. The penalty for prostitution is a fine of \$85 to \$140 (300-500 litas) for a first offense. Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Equal Opportunities Ombudsman is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment. The Law on Equal Opportunities provides for positive discrimination (affirmative action) toward women and forbids indirect discrimination and discrimination in the service sector. In May, the Government adopted a program, Equal Opportunities of Women and Men, 2003-04, to reduce violence against women and trafficking in women and later co-founded a nongovernmental organization (NGO), The Center for Development of Equal Opportunities, to help implement the program.

Official policy requires equal pay for equal work. Women made up about one-half of the employed population, and, at the end of 2002, their average pay was 81 percent that of male employees. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant societal gender inequalities persisted, but recent surveys and studies indicated that conservative views about the role of women were declining--a trend also reported by the media.

For the year ending in March, the ombudsman received 72 complaints and initiated 34 investigations. Most of the complaints concerned discrimination against men due to problems in "old" legislation and discrimination against women in the workplace. The ombudsman, together with women's organizations, continued a public awareness campaign and a number of projects to advance gender equality. The number of registered violations of the equal opportunities law by state institutions again decreased substantially; however, enforcement of the law in private businesses remained a problem.

Children

The Government was committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided compulsory, free, and nearly universal education for children through the age of 15. In 2002, only 1.1 percent of children in this age group did not attend school. The Government provides school transportation for children in the countryside, low-cost health care for all children, and a free school meal for one-third of the children. The Civil Code addresses relations between parents and children; however, the Government did not always implement its obligations in practice.

In January, 6,746 children lived in institutions, and approximately 8,000 were in foster families or residential homes. Authorities may remove children subjected to parental violence from the family and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage (boarding) schools with residential homes or foster families, which permitted children to attend regular schools. Foster families, however, did not always ensure good conditions for children: In October, the authorities confirmed reports that a 6-year-old

girl from Avikliai foster family house had suffered sexual abuse for almost a year.

Child abuse was a problem. The ombudsman reported that assistance for children who experienced abuse was insufficient. Abuse among children in four state correctional institutions for children who commit crimes and in one isolated prison for persons 16 to 18 years old declined, due to reorganization and improving prison conditions. Seimas Controllers reported that abuse of children in police arrest facilities was rare, but violence among juveniles in detention remained a problem.

Child abuse in connection with alcohol abuse by parents also was a problem. Authoritarian values in family upbringing discouraged more active measures against child abuse. The press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. Authorities reported that 12 children were killed by their parents during the first 11 months of the year. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years.

The Penal Code provides for up to 13 years' imprisonment for sexual abuse and up to 4 years' imprisonment for exploiting children in the production of pornography. From January to August, there were no registered cases of exploitation of children for purposes of pornography. From January to August, 36 cases of sexual abuse of children were registered (excluding rapes, for which separate data for children is not available), compared with 67 cases in all of 2002. The Government operated a children's rehabilitation center to provide special care for sexually abused children.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Several thousand children reportedly lived on the street. Sixty children's rights protection agencies, other institutions, and NGOs routinely identified these children and, if they did not have parents or if their parents abused their parental obligations, placed them in foster families or care institutions. The Government tripled funding for 68 NGO projects for the day care centers' programs benefiting more than 2,400 children and their families; the centers also received support from private sponsors.

The Children's Rights Ombudsman Institution controls the implementation of relevant laws and conventions, oversees children's rights protection institutions, investigates complaints, and advises the Government on improving the protection and legal interests of the child. In 2002, the ombudsman received approximately 300 complaints and initiated 4 investigations, primarily involving municipal children's rights protection offices, tutelage, the child's right to have a home, the right to communication with the child, the granting of state allowances for children, complaints against the police and teachers, and failure to pay alimony. The ombudsman continued to call for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In January, approximately 40,000 children lived in abusive and dysfunctional families.

Persons with Disabilities

The law provides for a broad category of rights and public benefits for persons with disabilities, additional job security for such persons, and gives children with disabilities access to regular schools and universities.

Persons with disabilities accounted for approximately 6 percent of the population. Many persons with disabilities lived in poverty because the state pension for a person with disabilities was lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the Government financed a network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. Under the National Program of Social Integration of the Disabled for 2003-12, the Government allocated \$7 million (23 million litas) for various NGO employment, education, rehabilitation, and other programs, which were coordinated by the Disabled Persons' Affairs Council, the Government, and NGOs.

Legal provisions for access to buildings for persons with disabilities are in place but were not enforced widely, although most new buildings ensured such access.

National/Racial/Ethnic Minorities

Minority ethnic groups--including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites--constituted approximately 16.5 percent of the population. Although the country has improved the protection of the rights of its ethnic/national minorities since 1991, intolerance toward "others" persisted.

In April, the COE stated that the country still faced many racism and intolerance issues related to its small Romani (Gypsy) community (approximately 3,000), which suffered from prejudice in many fields of daily life, including education, employment, health care, housing, services, citizenship, and contacts with the police. In 2002, as part of its Program for the Integration of Roma into Lithuanian Society, the Government established a social center and community school for the Roma, and, in December, the Government opened a bathing complex for Romani children.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. The State Security Department initiated several investigations into reports of acts tending to incite racial or national hatred but closed them either because the suspects apologized or because the cases would have been difficult to prove in court.

Public sector employees are required to have a functional knowledge of the Lithuanian language, but authorities granted liberal exemptions and extensions. Each year, several hundred persons passed the language portion of the citizenship test and were naturalized. There was no documented evidence of job dismissals based on the language law. The authorities indicated that while the law's intent is to encourage competence in Lithuanian as the official language of the State, no one would be dismissed solely because of an inability to meet the language requirements.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces.

According to the law, unions must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises to be registered. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice was not widespread.

Between 10 to 20 percent of all enterprises had trade unions, and approximately 10 percent of the workforce were unionized. There were three major trade union associations: The Confederation of Lithuanian Trade Unions with 120,000 members and 25 independent trade unions, the Lithuanian Trade Union "Solidarity" (the former Workers' Union) with 60,000 members, and the Lithuanian Work Federation with 20,000 members. They all worked within the Trilateral Commission, which brought together labor groups with representatives of employers' organizations and the Government.

The law establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claimed that this law prevented unions from investigating labor disputes in the workplace. Difficulties commonly arose in state enterprises in which employees were represented by more than one union. Solidarity officials charged that managers in some companies discriminated against their organizers and dismissed employees in retribution for their trade union activities.

There were no restrictions on unions affiliating with international trade unions, and some unions were affiliated with European unions.

b. The Right to Organize and Bargain Collectively

A 2002 agreement on tripartite cooperation between the Government, trade unions, and the employers' associations provides for regular meetings to discuss issues related to implementation of labor laws and the prevention of illegal labor.

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. The law provides trade unions the right to negotiate nationwide, branch, and territorial collective agreements; however, collective negotiations regarding labor relations, including wages, are not widespread. Workers often took their complaints directly to their employers. Wage negotiations were more common in enterprises that had trade unions.

The Labor Law, effective in January, establishes collective bargaining as the main tool to regulate labor relations, restricts short-term contracts--which are now subject to collective bargaining, and gives employees the right to be represented in collective bargaining by trade unions or by a work council elected by a secret ballot. Leaders of the "Solidarity" labor union complained about the Government's failure to eliminate illegal, undeclared wages, which reduce employees' social security benefits and their future pensions.

Managers often determined wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issued guidelines for state enterprise management in setting wage scales. The trade unions engaged in direct collective bargaining over wages at the workplace level. Wage decisions were made mostly at the enterprise level. Trade unions supplemented their bargaining activities with active lobbying of Parliament and the Government.

The trade unions criticized provisions of the new Code of Civil Procedure, which do not allow labor unions to represent their members at the Supreme Court; members must engage their own counsel.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not. According to the Department of Statistics, there were no official strikes. In May, farmers protesting low milk prices blocked roads; as a result, criminal proceedings were initiated, and a court decision was pending at year's end. There were also a number of unregistered protest actions by the employees over wage arrears and dismissals.

There is a special economic zone in the port city of Klaipeda. Worker rights were not restricted in the zone.

c. Prohibition of Forced or Bonded Labor

The Constitution specifically prohibits forced or bonded labor, including by children; however, there were reports of trafficking in women (see Section 6.f).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children without parental consent is 16 years; with written parental consent, it is 14 years. Complaints about violations of child labor regulations are referred to local prosecutors who investigate and take legal action to stop violations. Child labor problems were rare. In January, the Government issued a resolution regulating the employment of persons under age 18. There were no officially reported cases of illegal child labor; however, experts indicated that up to 10 percent of working children did so illegally.

On March 25, the Government ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

In September, the legal minimum wage increased to \$150 (450 litas) per month, which did not provide a decent standard of living for a worker and family. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Department of Statistics, the average gross wage in the second quarter of the year was \$388 (1,163 litas) per month, a 4.4 percent increase over the corresponding period of 2002. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation. The Labor Law provides for additional leave for long-term uninterrupted work in a company and work under specific conditions. The Law imposes stringent limits on overtime work, which may not exceed 4 hours per 2 successive days or 120 hours per year.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service conducted 9,125 inspections of companies and found 4,442 violations. The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardy to their continued employment. From January to August, the State Labor Inspection Service recorded 125 fatal accidents at work and 145 other work accidents.

The Employee Safety and Health Law allows longer than 8-hour night shifts provided that the average working day

during a 4-month period not exceed 8 hours. In June, the Labor Inspection Service passed a resolution On Measures to Improve Safety and Health of Workers that requires employers to instruct workers on health and safety issues and to take specified steps to reduce workplace accidents.

The labor laws protect foreign workers.

f. Trafficking in Persons

The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the Government to fight it. Authorities did not facilitate or condone trafficking.

The law criminalizes trafficking in persons for purposes of sexual abuse: The penalty is up to 6 years' imprisonment, the same as for prostitution organizers. Other penalties are: Trafficking of juveniles up to 8 years' imprisonment; trafficking for prostitution from 2 to 8 years; trade in children from 2 to 10 years; involving an adult in prostitution up to 3 years; involving a juvenile from 2 to 7 years; and receiving income from prostitution up to 4 years.

By mid-December, the authorities had initiated 14 new criminal cases involving 24 traffickers and a similar number of victims (all women, including several juveniles); from these cases, the courts convicted and sentenced 8 traffickers. Eight of 10 criminal cases of human trafficking that reached the court during the year resulted in convictions.

The country was a source, transit point, and destination for trafficking in women and girls. Women were primarily trafficked to Germany, Spain, the Netherlands, the United Kingdom, France, and Poland. Women from Ukraine, Russia (Kaliningrad district), Belarus, Latvia, and the domestic countryside were trafficked to the country's major cities and to Western Europe, although the numbers reportedly decreased due to lowered earnings in the country and more effective border control. According to Europol, every year approximately 1,200 Lithuanian women fell victim to human trafficking or left the country against their will. Four girls under age 18 were reported as victims of trafficking in the first 8 months of the year; three were trafficked in the country and one to Germany.

A number of women, some underage, were enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly targeted the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. In many cases, close relatives or friends made such offers. Women also were tricked into prostitution through false marriage advertisements. Victims' compliance was ensured via threats and the withholding of their documents. Their families often were unaware of their predicament and believed that they had been kidnapped. In August, criminal police detained five Lithuanian, Italian, and Spanish nationals believed to be members of an organized trafficking group, the first operation in the country that resulted in the arrest of leaders of an international trafficking ring.

Despite increases, Government funding for prevention, investigation, prosecution, and witness protection remained inadequate.

The Government allocated \$1 million (3 million litas) to its Program on the Control and Prevention of Trafficking in Humans and Prostitution for 2002-05, and the police were engaged in prevention activities.

There were a number of anti-trafficking projects and publicity campaigns, carried out by the Government, NGOs, the media, diplomatic missions, and by the International Organization for Migration. The Government allocated approximately \$10,000 (30,000 litas) for 2003-04 for pilot projects in two major cities for psychological rehabilitation, professional orientation, and employment of victims of trafficking and prostitution. During 2002-03, the Government allocated approximately \$125,000 (372,000 litas) for 15 anti-trafficking projects run primarily by NGOs, such as the Missing Persons' Family Support Center, the Mother and Child Care House in Vilnius, and others. The programs aim to provide shelter and access to legal and counseling services for victims, and to provide medical assistance for women engaged in prostitution. An NGO maintained a toll-free line for pupils and their parents, which provides advice and information on trafficking. Many NGOs complained that state support was irregular.